

PATENT COOPERATION TREATY

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NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 27 July 1999 (27.07.99)	
International application No. PCT/AU98/01059	Applicant's or agent's file reference P50666C/CLC
International filing date (day/month/year) 18 December 1998 (18.12.98)	Priority date (day/month/year) 18 December 1997 (18.12.97)
Applicant: BILOWOL, Peter	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

07 July 1999 (07.07.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

S. Mafla

Telephone No.: (41-22) 338.83.38

PCT


INTERNATIONAL PRELIMINARY EXAMINATION REPORT

WIPO PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P50666C/CLC	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. PCT/AU 98/01059	International filing date (<i>day/month/year</i>) 18 December 1998	Priority Date (<i>day/month/year</i>) 18 December 1997
International Patent Classification (IPC) or national classification and IPC Int. Cl.⁶ E04G 11/08 17/065 17/12		
Applicant BILOWOL, Peter		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s).
3.	This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 7 July 1999	Date of completion of the report 25 October 1999
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No. (02) 6285 3929	Authorized Officer  DAVID MELHUIH Telephone No. (02) 6283 2426

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , filed with the letter of .

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The international application lacks unity of invention as it includes the following inventions -

1. Claims 1-17, 24 directed to a formwork frame unit comprising connected loops.
2. Claims 18-21 directed to a method of constructing modular formwork.
3. Claims 22-23 directed to a panel with openings through the major faces.

However as the international search is sufficient to form opinions as to novelty and inventive step for all claims no invitation was sent.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	YES
	Claims 1 - 24	NO
Inventive step (IS)	Claims	YES
	Claims 1 - 24	NO
Industrial applicability (IA)	Claims 1 - 24	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)**NOVELTY (N) claims 1-24**

D1 - AU 69983/91 A
D2 - US 4972646 A
D3 - US 5140794 A
D4 - US 4604843 A
D5 - FR 2678310 A

New Citation:

D6 - AU 2468/46 A (Symonds) 3 April 1947

D1 discloses the features of claims 1-8 and 11-24. Figure 1 shows first and second wall sections 6, connection means 4 and reinforcement 5. Panels are connected to each wall section 6. The features of claim 18 are fully disclosed as reinforcement 5 is modular and connected to the frame prior to assembly of the modules and claim 22 is disclosed as panels that connect to the frames have screw holes through their major faces, the screws mating with tapped holes 7.

D2 and D3 disclose the features of claims 1-8 and 10-24. Claim 1 does not require the wall sections to be non-planar. Therefore figure 2 of D2 shows four wall sections each forming a loop, the wall sections being co-planar. As additional reinforcement is used in these citations (see col. 5 lines 7-10 of D2 for example), all features of claim 1 are disclosed by D2 and D3. Claim 18 merely defines any frame unit, which can consist of rods 30 and 32 in figure 2 of D2. As these rods also reinforce the concrete (col 3 lines 52-57), then rod 34 can be considered as the modular reinforcement in the formwork module of claim 18.

D4 discloses the features of claims 1-9, 11-17 and 24. The wall sections are numbered 21 in figures 13 and 17 and the connection means 20. The frame unit thus formed has panels 1 connected to it. Figures 13 and 15 show how the panels have openings 27 for receipt of the ends of the connection members.

D5 discloses the features of claims 1-8, 13, 14, 16, and 24, while D6 discloses the features of claim 18.

INVENTIVE STEP (IS) claims 1-24

Claims 1-24: as above

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 22 lacks clarity because it is not clear how the panels are coupled together so that a reinforcing means is located between the panels. No relationship has been defined between the reinforcing means and the other features in the claim.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU 98/01059

A. CLASSIFICATION OF SUBJECT MATTER		
Int Cl ⁶ : E04G 11/08 17/065 17/12		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols) E04G		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched AU: E04G 17/-		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DERWENT		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	AU 69983/91 (639522) B (CONTOLEON) 29 July 1993 Page 1 lines 11-21 Page 3 lines 13-16	1-24
X	US 4972646 A (MILLER et al.) 27 November 1990 Column 5 lines 29-59	1-24
X	US 5140794 A (MILLER) 25 August 1992 Column 3 lines 16-64 Column 4 lines 19-23	1-24
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex		
<p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&" document member of the same patent family</p>		
Date of the actual completion of the international search 29 January 1999		Date of mailing of the international search report - 8 FEB 1999
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No.: (02) 6285 3929		Authorized officer <i>D. Melhuish</i> DAVID MELHUISE Telephone No.: (02) 6283 2426

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 98/01059

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4604843 A (OTT et al.) 12 August 1986 Column 7 lines 43-67	1-17, 24
X	FR 2678310 A (DELEPINE) 31 December 1992 Figure 2	1-16, 24
X	DE 2404841 A (ISOTEX) 14 August 1975 Figure 2	1, 2, 5-13

INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU 98/01059

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. Claims 1-17, 24
Formwork frame unit comprising connected loops.
2. Claims 18-21
Method of constructing formwork module.
3. Claims 22-23
Panel with openings through the major faces

as reasoned on the extra sheet.

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT**International Application No.
PCT/ AU 98/01059****Supplemental Box**

(To be used when the space in any of Boxes I to VIII is not sufficient)

Continuation of Box No: II

The different inventions are:

1. Claims 1-17 and 24 directed to a frame unit for use in formwork, comprising first and second wall sections formed by elongate members configured to form loops.
2. Claims 18-21 directed to a method of constructing a formwork module comprising connecting panels and reinforcing to an assembled frame unit.
3. Claims 22-23 directed to a panel for use in formwork with openings through the major faces.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/AU 98/01059

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
US	4972646	CA	1328746	EP	410981	WO	8908755
		US	5771648	US	5140794		
US	5140794	CA	1328746	EP	410981	WO	8908755
		US	4972646	US	5771648		
US	4604843	CA	1234843	DK	558/84	EP	118374
		ES	529512	ES	8503394	FR	2540539
		GR	81756	IL	70879	JP	59145847
		MX	156825	NO	840453	ZA	8400953
		AU	24245/84	FR	2552472		
						END OF ANNEX	